

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 9:24-cv-80760-ROSENBERG

David Phillips, Joseph J. Azzata,
Joseph T. Azzata, and
other similarly situated individuals,
Plaintiff(s),

Plaintiff(s)

v.

Prime Medical Supplies, Inc,
a Florida Corporation, and,
Louis Sitaras, individually.
JLMS Holdings, LLC, a Florida
Corporation, and Salvatore Lantieri,
Defendants.

Defendant(s)

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JOINT SCHEDULING REPORT

Pursuant to Rule 16.1(b)(2) of the Local Rules of the United States District Court for the Southern District of Florida, and this Court's Order of Reference to Magistrate Judge and Order of Court-Mandated Requirements on Service, Defaults, and Joint Scheduling Reports [D.E. 6], Plaintiffs, David Phillips, Joseph J. Azzata, Joseph T. Azzata, And Other Similarly Situated Individuals, Plaintiffs, and Defendants, Prime Medical Supplies, Inc, a Florida corporation, and, Louis Sitaras, individually, JLMS Holdings, LLC, a Florida corporation, and Salvatore Lantieri, by and through their undersigned counsel, (collectively referred to herein as the "Parties"), having met and conferred, hereby file this Joint Scheduling Report and accompanying Joint Proposed Scheduling Order pursuant to Local Rule 16.1B(2) and this Court's Order entered on July 3, 2024 [ECF No.6].

(A) The Likelihood of Settlement

At this time the Parties believe that settlement is premature, but the parties will endeavor to reach an amicable resolution to this matter

(B) The Likelihood of Appearance in the Action of Additional Parties

Since discovery has not yet begun, it is unknown at this time whether additional parties will appear in this action. However, the Plaintiff does anticipate additional parties will appear.

(C) (C) Discovery Schedule. The Parties propose the following pretrial discovery schedule, which is based on the standard case management track pursuant to S.D. Fla. L.R. 16.1.A.2:

DATE	ACTION
09/23/2024	The Parties shall furnish their initial disclosures pursuant to Fed. R. Civ. P. 26. The Parties are under a continuing obligation to furnish supplements within ten (10) days of receipt or other notice of new or revised information.
01/06/2025	The Parties shall file a Notice of Mediator Selection notifying the court of a date, time, and place for mediation to occur.
04/04/2025	The Parties shall file motions to amend pleadings or join Parties.
01/06/2025	The party with the burden of proof on an issue shall disclose experts, expert witness summaries and reports, as required by Federal Rule of Civil Procedure 26(a)(2).
02/03/2025	The party without the burden of proof on an issue shall disclose experts, expert witness summaries and reports, as required by Federal Rule of Civil Procedure 26(a)(2).
04/04/2025	The Parties shall complete all discovery, including expert discovery.
04/014/2025	The Parties shall complete mediation.

DATE	ACTION
05/23/2025	The Parties shall file all dispositive Pre-Trial motions, Daubert Motions, and memoranda of law. The Parties shall also file any motions to strike or exclude expert testimony, whether based on Federal Rule of Evidence 702 and Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), or any another basis.
08/15/2025	The Parties shall file motions in limine. All motions in limine must be filed at least six (6) weeks before calendar call.
09/05/2025	The Parties shall file their joint pretrial stipulation, witness lists, and exhibit lists in accordance with Local Rule 16.1(d) and (e). The Parties shall also file final proposed jury instructions or conclusions of law (for non-jury trials).
09/30/2025	Calendar Call
10/06/2025	Trial

(D) Proposals for the Formulation and Simplification of Issues, Including the Elimination of Frivolous Claims or Defenses, and the Number and Timing of Motions for Summary Judgment or Partial Summary Judgment.

At this time the parties have no specific proposal for the formulation and simplification of issues, although the parties agree to continue to work in good faith to simplify all issues, claims and defenses in this action. The parties agree to stipulate as to the authenticity of documents where practicable.

(E) The Necessity or Desirability of Amendments to the Pleadings

It is unknown at this time whether there will be a necessity for amendments of the pleadings.

(F) The Possibility of Obtaining Admissions of Fact and of Documents, Electronically Stored Information or Things which will Avoid Unnecessary Proof, Stipulations regarding Authenticity of Documents, Electronically Stored Information or Things, and the Need for Advance Rulings from the Court on Admissibility of Evidence

The parties will work together to discuss stipulations with respect to the admission of facts and documents and possible stipulations regarding the authenticity of documents in an effort to avoid unnecessary proof.

The parties will confer in an effort to come to an agreement to avoid unnecessary proof and cumulative evidence prior to filing the pretrial stipulation.

(G) Suggestions for the Avoidance of Unnecessary Proof and of Cumulative Evidence

The parties will confer in an effort to come to agreements to avoid unnecessary proof and cumulative evidence, including potential stipulations to the authenticity of documents received via subpoena or through discovery.

(H) Suggestions on the Advisability of Referring Matters to a Magistrate Judge or Master

At this time, the parties do not agree to the referral of any matters to the Magistrate Judge including those referred to by this Court. The parties reserve the right to appeal decisions of the Magistrate Judge or Master to the District Court Judge.

(I) A Preliminary Estimate of the Time Required for Trial

The parties estimate that the trial will take 3-4 days.

(J) Requested Date or Dates for Conferences Before Trial, a Final Pretrial Conference, and Trial

Please see attached Proposed Scheduling Order Setting Civil Trial Date and Pretrial Schedule.

(K) Any Issues About:

- (i) Disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced

Parties expect limited ESI in the case.

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(ii) Claims of privilege or of protection as trial-preparation materials, including
-- if the parties agree on a procedure to assert those claims after production
-- whether to ask the court to include their agreement in an order under
Federal Rule of Evidence 502

None at this time.

(iii) When the parties have agreed to use the ESI Checklist available on the
Court's website (www.flsd.uscourts.gov), matters enumerated on the ESI
Checklist

(L) Any Other Information That Might Be Helpful to the Court in Setting the Case

for Status or Pretrial Conference

None at this time.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2024, a true and correct copy of the foregoing has been furnished by electronic filing with the Clerk of the Court via CM/ECF, which will send notice of electronic filing to all counsel of record.

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